

---

## Board of Health Minutes 11/06/2014

### Town of Mashpee

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

#### BOARD OF HEALTH – PUBLIC SESSION

##### Minutes of the Meeting of November 6, 2014

**Board Members Present:**

Lucy Burton, Chair  
Burton Kaplan, Co-Chairman  
Kalliope Egloff, Clerk

**Also Present:**

Glen Harrington, Health Agent

Chair Lucy Burton called the meeting to order at 7:00 PM.

**APPOINTMENTS****7:15 PM – Public Hearing – Solid Waste Regulation.**

Lucy Burton commented that the Board and Mr. Harrington have made a number of changes to the Solid Waste Regulation and requested comments and opinions from the trash haulers at this Public Hearing. Two comments were received. One comment was from Nauset Disposal and the other was from Macomber's Sanitary Refuse.

Glen Harrington read a letter from Shawn Delude, President of Nauset Disposal. Mr. Delude expressed his opinion that the start time of 8:00 AM for trash pickup would create a health hazard. Trash would remain on the truck overnight and establish an unhealthy and unsafe environment. Mr. Delude prefers a 6:00 AM start time.

Ed Macomber, of Macomber's Sanitary Refuse, introduced himself to the Board.

Mr. Macomber commented that he has similar issues to the Solid Waste Regulation as Mr. Delude. Mr. Macomber also requested a change in time for trash pickup. He desires a start time of 7:00 AM.

The Board and Mr. Harrington discussed a reasonable time for residential trash pickup and agreed upon 7:00 AM as a start time.

Lucy Burton asked if there were other comments with regards to the changes of the Solid Waste Regulation. Since there was no further discussion, Ms. Burton closed the Public Hearing.

Kalliope Egloff made a motion that the Board of Health approve the Solid Waste Regulation as amended. Burton Kaplan seconded the motion. The motion was unanimously approved.

**7:25 PM – Proposed Commercial Site – Accidental Auto Body – 89 Industrial Drive.**

Chair Lucy Burton recused herself from this issue due to the potential of financially affecting her, and Co-Chairman Burton Kaplan assumed the position of Chairman. Ms. Burton left the room.

Raul Lizardi-Rivera from Holmes and McGrath, representing 89 Industrial Drive, introduced himself to the Board. Attorney for the applicant, Mark Gildea, was also present.

Mr. Lizardi-Rivera commented that the project is an auto body shop located at 89 Industrial Drive. Currently, this business operates in Hyannis. The business leases a small space in the rear of a car dealership in Hyannis on High School Road Extension.

The proposed building will be owner-occupied and centered within the middle of the lot. The rear side of the property abuts a residential district, the front side is Industrial Drive, one side abuts the current development of the Mashpee Water District, and the

other side abuts with a landscaping company.

Mr. Lizardi-Rivera remarked that the building is based for auto body work. The septic system is proposed to develop both the primary system and the reserve area. An industrial holding tank is planned to be in the opposite corner. This is proposed to be a dual containment tank with the interior being a monolithic construction which fits inside an outer shell. 2 alarm systems are proposed. On the interior tank the alarm will sound when the level is at two-thirds capacity, indicating that the tank requires pumping. If a spill occurs within the inside container, a secondary alarm will sound detecting a spill. The outer tank is 2500 gallons, and the inner tank is 1500 gallons.

The drainage system is proposed in the rear of the property. A holding tank for floor drains was added, solid catch basins for drainage will be installed discharging to a larger area for drainage, and shifting the parking area to allow for the drainage to expand. This also satisfied all of the issues discussed at the Site Plan Review meeting.

Glen Harrington suggested that the outside tank be a monolithic construction as well as the inside tank. Mr. Harrington would prefer that both tanks be sealed for water tightness. The manufacturer can seal the inside of the outside tank and the outside of the actual holding tank to achieve this. Mr. Harrington recommended maintaining a contract for pump and disposal. A septic pumper will maintain the septic tanks and floor drains, and the catch basins will be maintained by a landscaping company.

Mr. Harrington commented that this septic system is designed for 600 gallons per day. Board of Health regulation is written that in excess of 600 gallons per day would require a denitrification system. The storm water has subsurface units so that there will not be standing water and therefore designed correctly. Limitations of 220 gallons were placed on the amount of hazardous materials stored.

Mr. Harrington discussed the Board of Health commercial requirements. The requirements are: proposed drainage swales will have M.D.C. type catch basins, safety data sheets, hazardous materials will not be over the 220 gallons of storage per day, no washing machines are allowed, and according to Massachusetts General Law anything considered a nuisance will be considered noisome trade.

Burton Kaplan asked if anyone was present at this meeting to speak in favor or against the proposal.

Kalliope Egloff commented that after reading the concerns of the neighbor in the newspaper, Ms. Egloff would like to state that the proposed business is allowable in its use. Ms. Egloff understands the emotional context of the argument, but the Board's position is merely the regulation.

Glen Harrington stated that this property is in Zone II, and he recommended that the storage of damaged automobiles or used auto parts are not allowed outdoors; no auto body work shall occur outside of the building; discharge from the spray booth should be at the northern end of the building away from the residences. The Board discussed the installation of an exhaust fan with tubing to discharge on the other side of the building, or have scheduled air quality samples taken to test the exhaust for volatile organic compounds.

Since there were no favorable nor unfavorable support or opposition to this proposal, Burton Kaplan closed the Public Hearing aspect of this meeting.

Kalliope Egloff made a motion that the Board of Health approve the Site and Septic Design Plan at 89 Industrial Drive with the following conditions:

- No long term storage of damaged autos or used parts outside.
- Discharge from the spray booth shall be on the northern end of the building away from residential neighborhoods.
- A contract for the pumping and disposal of the industrial tight tank contents to be provided to the Board of Health.
- A contract to maintain the catch basins and retention areas be provided.
- No auto body work shall occur outside of the building.
- Any violations of the conditions shall deem the operation a nuisance and fines up to \$1,000 per offense shall be issued.
- The tight tank shall be constructed per agent comments and amendments this evening. The sealing of the inside and outside of the tanks.
- Hazardous materials and hazardous waste greater than 220 gallons per day are to be stored on site, and additional review shall be done by the Health Agent after the operation has occurred.
- As per regulation, all manifest of all disposal of hazardous waste and the tight tank shall be made available to the Health Agent upon inspection.

Burton Kaplan seconded the motion. The motion was unanimously approved.

**Roll Call Vote:** Kalliope Egloff, yes; Burton Kaplan, yes.

#### **NEW BUSINESS**

**1. Sign Expense Warrants.** The Board members signed the expense warrants.

**2. Review/Approve BOH Public Session Minutes: October 16, 2014.**

Burton Kaplan made a motion that the Board of Health approve the Public Session minutes of October 16, 2014. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**3. Title V Variance: 48 Summersea Road.**

Steven Anthony, representing his father and owner of 48 Summersea Road, introduced himself to the Board.

Glen Harrington commented that the existing septic system at 48 Summersea Road was installed very deep. The existing septic tank is about 6.5 feet below grade, the distribution box is behind the retaining wall, and the Soil Absorption System is about 6 feet down. The septic inspector, Mike Hudson, stated that the septic tank is in good shape, but it is H-10 loading, not H-20 as required. The distribution box should be H-20, but there is no hazard from collapse of the distribution box. A riser should be added to the distribution box, but the retaining wall is in the way. The septic inspector mentioned possible relocation of the distribution box to get a riser on it, and the distribution box would then be H-20. The leaching facility will have a riser on it so that the system can be accessible for pumping and inspection.

Mr. Anthony is requesting a variance from the Board of Health septic inspection regulation which states that all tanks below 3 feet must be H-20. This is an H-10 tank that could potentially collapse under the weight of the dirt and potentially push the contents of the septic tank into the house.

Lucy Burton suggested relocating the septic tank under the flat surface of the yard. There is no issue with the leaching nor the distribution box, which can remain as is. Mr. Harrington remarked that since the system was installed under the old Title V, a 1000 gallon tank, a smaller tank, could be used to alleviate the amount of damage to the property.

Kalliope Egloff made a motion that the Board of Health deny the variance request for 48 Summersea Road and require the installation of an H-20 septic tank, either 1000 gallons or 1500 gallons, located adjacent to the existing tank; the submittal of engineered plans; and a final inspection by a Health Agent with the issuance of a Certificate of Compliance prior to the sale of the property. Burton Kaplan seconded the motion. The motion was unanimously approved.

**4. Title V – Request to Reduce Sampling of Operations and Maintenance Contract: 16 Fells Circle.**

Marc Levy, owner of 16 Fells Circle, introduced himself to the Board.

Mr. Levy is requesting a reduction in the quarterly sampling of the Operations and Maintenance Contract. Mr. Levy is now living at 16 Fells Circle year round. He has had 7 samples taken, with only 5 required. According to Mr. Harrington, the samples appear to be in order.

Kalliope Egloff made a motion that the Board of Health approve the request for the Reduction in sampling of the Title V Operation and Maintenance of the Innovative Alternative Septic System at 16 Fells Circle from quarterly to annually with the following conditions:

- Visual examination of the effluent for color, turbidity, and effluent solids.
- Effluent pH to determine if the wastewater is between 6 and 9 standard units.
- Dissolved oxygen, 2 mg/Liter or more, to ensure that the system is operating.
- Turbidity less than or equal to 40 Nephelometric Turbidity Units.
- The system shall be kept on (The system shall not be turned off seasonally).
- If the effluent does not pass all of the field tests, then the operator shall be required to collect a sample for laboratory analysis for total carbon, alkalinity, and total nitrogen from the distribution box.

Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **OLD BUSINESS**

**1. Solid Waste Regulation: Draft.**

Lucy Burton remarked that a motion was made earlier in the evening to approve the Solid Waste Regulation.

**2. Mobile Food Regulation: Draft.**

The Board members discussed and commented on the changes to the draft Mobile Food Regulation. Lucy Burton suggested that the draft Mobile Food Regulation be continued to the next meeting.

Glen Harrington remarked that whenever there was an inquiry for Mobile Food vending, he would hand out a copy of the State Regulation and the Federal Food Code on mobile food. Instead of explaining the code and regulation word for word, Mr. Harrington deciphered the information and wrote a set of guidelines. These guidelines were presented to the Board at a previous meeting, and it was recommended to have this draft written as a regulation.

Burton Kaplan made a motion that the Board of Health defer action on the draft Mobile Food Regulation until the next Board of Health meeting scheduled on December 4, 2014. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**ADDITIONAL TOPICS**

**None.**

**NEXT MEETING**

The next meeting of the Board of Health is scheduled for Thursday, December 4, 2014, at 7:00 PM. As there was no further business, Kalliope Egloff made a motion to adjourn the Public Session Meeting of the Board of Health at 8:22 PM. Burton Kaplan seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos  
Administrative Assistant  
Mashpee Board of Health

attachments